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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **WESTERN DIVISION**
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11 RAUL URIARTE-LIMON,) Case No. CV 16-0683-GW (AGR_x)
12)
13 Plaintiff,) FINDINGS, CERTIFICATION AND
14 v.) ORDER TO SHOW CAUSE
15 KRYSTAL ENTERPRISES LLC,) RE: CONTEMPT
16 et al.,)
17 Defendants.)
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19 This Court, being familiar with the record of this action, having presided over the
20 calling of this matter for hearing on January 10, 2018, and having found good cause why
21 these Findings, Certification and Order should issue:

22 **THE COURT FINDS THAT:**

- 23 1. Plaintiffs filed his complaint on February 1, 2016.
- 24 2. A proof of service was filed on April 5, 2016 indicating that Defendant Krystal
25 Enterprises LLC (“Krystal”) was served with the summons, complaint and related documents
26 on February 9, 2016 through its agent for service of process.
- 27 3. Default judgment was entered on March 28, 2017 in the amount of \$6,920. (Dkt.
28 No. 17; *see also* Abstract of Judgment, Dkt. No. 20.)

1 4. Subsequently, Plaintiffs sought to conduct a Judgment Debtor Examination
2 (“JDE”) on Krystal’s manager, Veronica Escamilla.

3 5. On August 11, 2017, this Court executed, filed and entered an Order to Appear for
4 Examination to Ms. Escamilla, directing her to appear personally before this Court on
5 November 7, 2017, at 10:00 a.m., in Courtroom B, Eighth Floor, of the above-captioned
6 court, located at 312 North Spring Street, Los Angeles, California 90012, to answer questions
7 concerning property subject to the judgment debtor’s ownership and control. The Order
8 stated, in pertinent part, as follows:

9 **NOTICE TO JUDGMENT DEBTOR**

10 If you fail to appear at the time and place specified in this order,
11 you may be subject to arrest and punishment for contempt of court
12 and the court may make an order requiring you to pay the
13 reasonable attorney fees incurred by the judgment creditor in this
14 proceeding.

15 6. According to the Proof of Service filed on October 31, 2017, Ms. Escamilla was
16 personally served with the Order to Appear for Examination on August 29, 2017.

17 7. On November 7, 2017, this matter came on for hearing and judgment debtor
18 examination pursuant to the Order to Appear for Examination. The case was called. Counsel
19 for the Plaintiff appeared. Ms. Escamilla did not appear. As of 10:45 a.m., Ms. Escamilla
20 still had not appeared and had not otherwise contacted the court.

21 8. On November 7, 2017, the Court issued an order continuing the JDE to January 10,
22 2018 and ordering Ms. Escamilla to appear personally before the Court on that date to show
23 cause why this matter should not be referred to the District Judge for contempt proceedings
24 for her failure to appear at the JDE on November 7, 2017 and why the judgment debtor should
25 not be ordered to pay Plaintiff’s attorneys fees and costs associated with Ms. Escamilla’s
26 failure to appear on November 7, 2017. The Order stated, in pertinent part, as follows:

27 The judgment debtor is hereby advised that failure to appear at the
28 time and place specified for the rescheduled examination may

1 subject her to arrest and punishment for contempt of Court, as
2 well as additional costs for plaintiff's attorney's appearance at
3 future hearings.

4 9. According to the Proof of Service filed on November 27, 2017, Ms. Escamilla was
5 personally served with the Court's November 7, 2017 Order on November 16, 2017.

6 10. On January 10, 2018, this matter came on for hearing and judgment debtor
7 examination pursuant to the Court's November 7, 2017 Order. The case was called. Counsel
8 for the Plaintiff appeared. Ms. Escamilla did not appear. As of 10:35 a.m., Ms. Escamilla
9 still had not appeared and had not otherwise contacted the court.

10 11. The failure of Krystal's manager, Ms. Escamilla, to appear on November 7, 2017
11 and January 10, 2018, at 10:00 a.m., in Courtroom B, Eighth Floor, of the above-captioned
12 court, located at 312 North Spring Street, Los Angeles, California 90012, to testify in this
13 action constituted acts in contempt of court.

14 NOW, THEREFORE, on the basis of the foregoing findings, and the record of this
15 action,

16 PURSUANT TO 28 U.S.C. § 636(e)(6)(B)(iii), THE WITHIN MATTER IS HEREBY
17 CERTIFIED to the Hon. George H. Wu, United States District Judge, for a hearing upon the
18 order to show cause re: contempt set forth herein due to the failure to appear for examination
19 on November 7, 2017 and January 10, 2018, pursuant to the aforesaid Orders for Appearance,
20 and for Judge Wu to hear the evidence as to the acts or conduct complained of and, if it is
21 such as to warrant punishment, to punish such person or entity in the same manner and to the
22 same extent as for a contempt committed before a district judge; and

23 IT IS HEREBY ORDERED that Judgment Debtor Krystal Enterprises LLC's manager,
24 Veronica Escamilla, appear personally before Hon. George H. Wu, United States District
25 Judge, on May 24, 2018, at 10:00 a.m., in Courtroom 9D of the United States District Court
26 located at 350 West 1st Street, Los Angeles, California 90012, and that she show cause, then
27 and there, why it and/or she should not be adjudged in contempt of the Court, due to the
28 failure to appear for examination pursuant to the aforesaid Orders for Appearance.

1 THE JUDGMENT CREDITOR MUST CAUSE THIS ORDER TO BE
2 PERSONALLY SERVED ON JUDGMENT DEBTOR KRYSTAL ENTERPRISES LLC
3 AND ITS MANAGER, VERONICA ESCAMILLA, NOT LESS THAN TEN (10) DAYS
4 BEFORE THE DATE SET FOR THE ORDER TO SHOW CAUSE HEARING.

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7 DATED: April 9, 2018

Alicia G. Rosenberg

ALICIA G. ROSENBERG
United States Magistrate Judge